REMARKS

In an Office Action dated 26 August 2009, the Examiner rejects all pending claims 1-20 on prior art grounds. In reply, Applicant herein cancels claims 1, 3-7, and 13-16 and submits the present remarks which together overcome the outstanding rejections; entry and consideration hereof are requested.

Applicant now addresses the Examiner's various rejections in turn.

Claims 1-5, 8, 9, and 12 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over U.S. Patent No. 2,457,102 to Jones in view of Japanese Patent Document No. 11154585 to Nobuya. Claims 1 and 3-5 are cancelled in the present amendment, thus the rejection of these claims is rendered moot; withdrawal thereof is requested. Concerning claims 2, 8, 9, and 12, Applicant submits that the Jones and Nobuya references, taken singularly or in combination, do not teach or suggest all of the limitations of independent claim 2. Thus, claim 2 and depending claims 8, 9, and 12 are not rendered obvious by the proposed combination of Jones and Nobuya.

Specifically, Independent claim 2 recites a surge absorber without chips comprising, inter allia, "wherein the sealing spacers, with lead terminals fixed thereto, are adjustable within the cylindrical housing before said being fixed air tightly thereto such that the distance between the discharge electrodes may be varied and set as desired." At least this limitation of claim 2 is not taught or suggested by Jones or Nobuya, thus the claim in non-obvious.

This claimed configuration is exemplified in Applicant's Figure 1 which shows a surge absorber without chips comprising a housing 10 and sealing spacers 22 and 24 fixed on respective lead terminals 14 and 16. These sealing spacers 22 and 24 are fixed immovably on the lead terminals 14 and 16. These spacer/terminal assemblies 14/22 and 16/24 are thus configured to be inserted into opposing ends of the housing 10 and further configured to be maneuvered and adjusted within the housing 10 so as to precisely position electrodes 18 and 20 of the lead terminals 14 and 16 relative to each other and relative to

the housing 10. Once this desired position is established, the sealing spacers 22 and 24 (with affixed lead terminals 14 and 16) are sealed air tightly to the interior of the housing 10 to thus form the surge absorber. These inventive features give great flexibility in the manufacture and assembly of the surge absorbers. Particularly, the spark gap between the electrodes is fully adjustable prior to fixing the sealing spacers within the housing such that it is possible to set a discharge voltage in a wide range simply by adjusting said gap.

The Jones and Nobuya references do not provide Applicant's invention. Specifically, as mentioned above, the references taken singularly or in combination do not teach or suggest "sealing spacers, with lead terminals fixed thereto,...adjustable within the cylindrical housing before said being fixed air tightly thereto such that the distance between the discharge electrodes may be varied and set as desired", as recited in Applicant's claim 2.

Turning briefly to the references, Jones teaches a spark gap apparatus consisting of a housing with two opposed electrodes where both electrodes are fixed immovably to the housing. Nobuya concerns an airtight sealing method for a surge suppressor device and does not at all disclose adjustable electrodes, as claimed.

Turning now in more detail to Jones, the reference teaches a spark gap apparatus consisting of a glass envelope 5 having rods 3 and 4 rigidly fixed to the envelope at areas 6 and 7. See, Figure 1 and related text. The rods 3 and 4 extend into an interior of the envelope 5 and include electrodes 1 and 2 disposed at respective ends thereof. The electrodes 1 and 2 are fixed to the rods 3 and 4 and are positioned opposite from one another at the interior of the envelope, separated by a distance d. Jones simply does not teach or suggest sealing spacers fixed to electrodes where the spacer/electrode assemblies are movable within a housing prior to air tight sealing, as required by Applicant's claim 2.

Nobuya teaches leads 11 welded to sealing electrodes 12 which are fixed to glass beads 13. See, Figures 1(a)-(e), and paragraphs 0011-0015 of the provided machine translation. One of the glass bead assembles is placed at an end of a glass tube 14, as surge

absorbing element is inserted into the tube 14 and the remaining glass bead assembly is placed at the opposite end of the tube 14. *Id.* The glass beads 13 are welded to the tube to seal the device. The absorbing element 3 is shown in Figures 2(a)-(c). Nobuya does not disclose adjusting the distance between the glass bead/electrode assemblies within the glass tube. To the contrary, the electrode assemblies of Nobuya are specifically disclosed as being fixed to the ends of the glass tube, as shown in Figure 1. Further to the contrary, the distance between the electrodes 12 is actually fixed, non-adjustably by the presence of the absorbing element 3. That is, the electrodes may not be moved closer together or further apart due to the insertion of the absorbing element 3 within the glass tube. See, e.g., Figure 2.

For at least these reasons, all of the limitations of independent claim 2 are not met by the combination of Jones and Nobuya, thus, the obviousness rejection is improper and must be withdrawn; reconsideration and withdraw thereof is respectfully requested.

Additionally, claim 2 recites a surge absorber without chips comprising "at least one broadened tip having a projected or patterned surface". The Examiner asserts that this limitation is found in Jones at column 5, lines 1-5. Here, the reference states that where polarity of the electrodes does not change in a particular circuit, "a perfectly symmetrical disposition of the electrodes is not then essential, and they may consist of opposed surfaces of different curvature." This disclosure of Jones is a clear reference to the spark gap configuration shown in Figure 2 of the reference where the electrodes 9 and 10 are coaxial cylinders with the cylinder 10 overlapping and encompassing cylinder 9. This configuration is clearly not equivalent to the above-quoted limitation of claim 2. In fact, this element is found nowhere in the Jones or Nobuya references. Thus, for at least this additional reason, we believe that the outstanding rejection is improper and must be withdrawn; reconsideration and withdrawal are respectfully requested.

Accordingly, for these reasons claim 2 is non-obvious. The claim is not further rejected and is thus allowable to Applicant.

Claims 8, 9, and 12 are also rejected under 35 USC 103 as allegedly being obvious in view of Jones and Nobuya. These claims variously depend from allowable claim 2 and are thus correspondingly allowable. For at least this reason, reconsideration and withdrawal of all relevant rejections is respectfully requested.

Claims 6, 7, 10, and 11 are rejected under 35 USC 103 as allegedly being obvious in view of Jones as combined with Nobuya and as further combined with U.S. Patent No. 4,317,155 to Harada. Claims 6 and 7 are herein cancelled, thus the rejection of these claims is moot. Claims 10 and 11 depend from allowable claim 2 and are thus correspondingly allowable; reconsideration and withdrawal of all relevant rejections is respectfully requested.

Claims 13-15 and 17-19 are rejected under Section 103 as being obvious with respect to Jones, Nobuya, and U.S. Patent No. 4,175,277 to Zuk. Claims 13-15 are herein cancelled, thus the rejection of these claims is moot. Claims 17-19 depend from allowable claim 2 and are thus correspondingly allowable; reconsideration and withdrawal of all relevant rejections is respectfully requested.

Finally, claims 16 and 20 are rejected under Section 103 as being obvious in view of Jones, Nobuya, and U.S. Patent No. 4266,260 to Lange. Claim 16 is cancelled, claim 20 depends from allowable claim 12. Thus, claim 20 is correspondingly allowable; reconsideration and withdrawal of the rejection thereof is requested.

The amendments herein only cancel claims and place the application in condition for allowance; thus the amendments are permissible after final office action pursuant to the provisions of 35 CFR 1.116.

Accordingly, all of the rejections have been addressed and are herein overcome. Prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below-listed telephone number regarding this Response or otherwise concerning this application.

Applicant hereby requests any extension of time pursuant to 37 C.F.R. 1.136 necessary for entry and consideration of this Response.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully Submitted,

___/DANIEL DREXLER____
Daniel Drexler, Reg. No. 47,535

CANTOR COLBURN LLP
1800 Diagonal Rd., Ste. 510
Alexandria, VA 22314
Customer No. 23413
Tel: 703-236-4500

Date: 15 January 2010